

REMARKS

In the Final Office Action, claims 1-10 and 47-50 were finally rejected. In addition, the Examiner objected to claims 4 and 49 based on minor informalities. Claims 4 and 49 have been amended. Upon entry of the amendments, claims 1-10 and 47-50 will remain pending in the present patent application. Reconsideration of the claims, in view of the remarks set forth below is respectfully requested.

Amendments to Correct Minor Informalities

Claims 4 and 49 were objected to for including terms lacking proper antecedent basis. Specifically, the Examiner objected to the use of the term “the barrier coating.” Claims 4 and 49 have been amended to recite proper antecedent basis.

The Examiner also objected to paragraph [0017] of the specification as omitting reference to, “Fig. 7.” The paragraph has been amended to include the term.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-5, 8-10 and 47-50 under 35 U.S.C. § 102(e) as being anticipated by Padiyath et al. (U.S. Pat. No 7,018,713, hereinafter “Padiyath”). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

Independent Claims 1 and 47 and Claims Depending Therefrom

Embodiments of the present application relate to providing a hermetically sealed package for organic electronic devices. Application, Page 2, paragraph [0005]. In one embodiment an organic electronic package is provided, wherein the package includes a sealant implemented to couple a superstrate to a flexible substrate, providing a complete enclosure for the organic electronic device. Application, Page 7, paragraph [0024]. As used in the present specification, the “organic electronic device” includes a number of organic semiconductor layers disposed between two conductors or electrodes. Application, Page 7, paragraph [0023]. The specification describes a superstrate as referring to upper substrate of the organic package. Application, Page 7, paragraph [0025]. In one embodiment, the organic package includes an organic electronic device and a superstrate disposed proximate to the organic electronic device, wherein the superstrate is adapted to wrap around the edges of the package, thereby sealing and protecting the organic electronic device. Application, Page 9, paragraphs [0028] – [0029], Fig. 3.

Accordingly, independent claim 1 recites “[a] package comprising . . . a superstrate coupled directly to the sealant and *disposed proximate to* the organic electronic device, wherein the superstrate comprises a periphery adapted to wrap around the edges of the package.” (Emphasis added). Similarly, independent claim 47 recites “[a] package comprising...a superstrate coupled directly to the sealant and *disposed proximate to* the organic electronic device, wherein the superstrate comprises at least one layer larger than the flexible substrate and a periphery adapted to wrap around the edges of the package.” (Emphasis added). To be clear, each of the independent claims recites a superstrate that is “disposed proximate to” an organic electronic device.

Applicants respectfully remind the Examiner that during examination, the claims must be interpreted as broadly as their terms *reasonably* allow. This means that the words of the claims must be given their *plain meaning* unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989); M.P.E.P. § 2111.01. “Words in patent claims are given their ordinary meaning in the usage of the field of the invention,

unless the text of the patent makes clear that a word was used with a special meaning.” *In re Sneed*, 710 F.2d 1544, 218 U.S.P.Q.Q. 385 (Fed. Cir. 1983).

As discussed above, embodiments of Applicants invention include a superstrate that is disposed “proximate” to an organic electronic device. As will be appreciated, the plain and ordinary meaning of the term “proximate,” is “close” or “very near.” *See e.g.*, WEBSTER’S NEW UNIVERSAL UNABRIDGED DICTIONARY 1158 (1994); <http://dictionary.reference.com/browse/proximate>. Thus, in accordance with the ordinary meaning of the term, “proximate” refers to something that is near, close or next to. “Proximate” does *not* refer to something that is in contact or touching something else. Suggestions to the contrary would be inconsistent with the plain and ordinary meaning of the term.

Indeed, Applicants specification clearly supports this plain and ordinary meaning. For example, each figure and corresponding description makes clear that in accordance with embodiments of Applicants’ invention, the superstrate is disposed next to, but not in contact with, the organic electronic device. *See e.g.*, Figs. 1, 3, 4 and 7. Accordingly, it is clear from everything in the specification that Applicants are using the term “proximate” in accordance with its plain and ordinary meaning. That is, the superstrate is disposed “proximate,” (i.e., next to, but not in contact with) the organic electronic device. The varied language of claims 1 and 47 also supports this construction. For instance, the claims recite that the superstrate is “coupled directly to” the sealant, but “disposed proximate to” the organic electronic device. That is, the claims make it clear that when one element is in contact with another element, it is “coupled to” or “coupled directly to” that element (e.g., “an organic electronic device coupled to the transparent film,” or “a superstrate coupled directly to the sealant”). In stark contrast, when one element is arranged close to, but not in contact with another element, it is “disposed proximate to” that element (e.g., “a superstrate...disposed proximate to the organic electronic device”). Accordingly, it is clear from the plain and ordinary meaning of the term, and supported by Applicants’ specification and claims that “proximate to” refers to one element that is next to, but not in contact with another element. Thus, each of the independent claims recites a superstrate that is next to, but not in contact with, an organic electronic device.

In contrast, the Padiyath reference discloses an OLED device 200, wherein a metal foil 250 (asserted to be the recited superstrate) is coupled directly to the cathode 230 of the light emitting structure 220. *See e.g.*, Fig. 4. Indeed, the Padiyath reference explicitly teach that “an opening 260 formed in adhesive 240 permits a portion 270 of foil 250 to be deformed into contact with cathode 230.” Col. 9, lines 13-15. Thus, it cannot be said that the metal foil 250 is “proximate to” the cathode 230. Rather, the metal foil 250 is disposed in direct contact with the cathode 230. Accordingly, the Padiyath reference does not disclose “a superstrate coupled directly to the sealant and *disposed proximate to* the organic electronic device,” as recited in claims 1 and 47.

Accordingly, Applicants respectfully assert that the Padiyath reference fails to disclose all of the recited features of independent claims 1 and 47, and thus, the Padiyath reference cannot possibly anticipate the recited subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-5, 8-10 and 47-50, under 35 U.S.C. § 102(e), and provide an indication of allowance for those claims.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Padiyath in view of Silvernail (US 6,624,568, hereinafter “Silvernail”). Applicants respectfully traverse these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

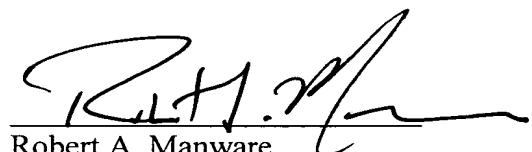
Dependent Claims 6 and 7

The Examiner rejected dependent claims 6 and 7 as being obvious over Padiyath in view of Silvernail. Claims 6 and 7 depend upon amended claim 1, which, as discussed above, contains elements that are not disclosed by the Padiyath reference. Specifically, the Padiyath reference does not disclose “a superstrate coupled directly to the sealant and *disposed proximate to* the organic electronic device.” The addition of Silvernail does not obviate this deficiency in the Padiyath reference. As a result, the cited references, viewed alone or in combination, do not disclose all elements recited in the present claims and therefore fail to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejections and allowance of dependent claims 6 and 7.

Conclusion

In view of the remarks set forth above, Applicants respectfully request reconsideration of the Examiner’s rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

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